

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

KENNEDY,  
Plaintiff,

v.

Case No. 5:18-cv-00214-JLS  
VERIFIED  
JURY TRIAL DEMANDED

EQUIFAX, INC. et al.,  
Defendants.

PLAINTIFF'S REPLY TO DEFENDANT'S' OPPOSITION  
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT<sup>1</sup>

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TABLE OF AUTHORITIES

FEDERAL LAW AND CASES

***Genty v. Resolution Trust Corp.*, 937 F.2d 899 (3d Cir. 1991)<sup>2</sup>**

Congress supplemented the criminal penalties of RICO with this extraordinary civil provision in furtherance of its concern in protecting the public from the evils of racketeer-influenced

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<sup>1</sup> Partial Summary Judgment against Equifax, Inc. only.

<sup>2</sup> Not overruled or negatively treated on appeal

enterprises. The criminal and civil penalties in the Act thus comprise sharply-cutting edges of a double-edged sword to strike more completely the insidious influences plaguing our nation's enterprises. As the Supreme Court has noted, in addition to the criminal penalties, Congress intended RICO's civil remedies to help eradicate "organized crime from the social fabric" by divesting "the association of the fruits of ill-gotten gains." *United States v. Turkette*, 452 U.S. 576, 585, 101 S.Ct. 2524, 2530, 69 L.Ed.2d 246 (1981). And as we have previously declared, Congress enlarged "the number of tools with which to attack the invasion of the economic life of the country by the cancerous influence of racketeering activity." *United States v. Frumento*, 563 F.2d 1083, 1090 (3d Cir. 1977). The legislative history of RICO attests to Congress' intention to implement the various provisions therein to provide "sanctions and new remedies to deal with the unlawful activities of those engaged in organized crime." *Organized Crime Control Act of 1970*, 84 Stat. 922, 923 (1970); see also 70 ALR Fed 538, 545 ("the potency of [section 1964(c)] serves to emphasize Congress' determination to provide a comprehensive arsenal of weapons against the proliferation of organized crime"). Thus, there is convincing authority that Congress authorized civil RICO's powerful treble damages provision to serve a punitive purpose.

#### Executive Order Declares National Emergency

In December of 2017, President Trump issues an Executive Order titled *Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption*.

The President in this order declares a national emergency, and declares the following: "Therefore I determine that serious human rights abuse and corruption around the world constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and I hereby declare a national emergency to deal with that threat."

- a. Executive Order 13825 concerning 2018 Amendments to the Manual for

Courts-Martial, United States (March 1, 2018) effective January 1, 2019.

b. Executive Order 13772 on Core Principles for Regulating the United States Financial System (February 3, 2017).

c. Executive Order 13773—on Enforcing Federal Law with Respect to Transnational Criminal Organizations and Preventing International Trafficking (February 9, 2017).

d. Executive Order 13800—on Strengthening the Cybersecurity of Federal Networks and Critical Infrastructure (May 11, 2017).

e. Executive Order 13818—Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption (December 20, 2017).

f. Federal Rules of Evidence, especially Rule 902. Evidence That Is Self-Authenticating.<sup>3</sup>

g. Plaintiff Kennedy accepts the oath of office of the Judge and binds him to it and notices this court of record concerning the national emergency, the rule of law and military law, effective January 1, 2019, under the authority of Executive Order 13825, signed by President Donald J. Trump stated herein.

1. I, Edward Thomas Kennedy, (hereinafter "Kennedy" or "Plaintiff") is one of the people of Pennsylvania, and in this court of record hereby replies to Defendant's opposition to Plaintiff's Motion for Summary Judgment.<sup>4</sup>

2. In a court of record, a Judge has no discretion, and now in 2019, must obey his oath of office under jurisdiction of military law. Similarly, Attorney Misty Peterson also obey her oath of office and must tell the truth in this court of record, and not lie,

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<sup>3</sup> [https://www.law.cornell.edu/rules/fre/rule\\_902#](https://www.law.cornell.edu/rules/fre/rule_902#)

<sup>4</sup> Partial Summary Judgment against Equifax, Inc. only.

misconstrued or mistake evidence, law or facts. Executive Order 13825 is relevant law to employees of U.S. Courts, the Atlanta based King & Spalding Law firm and its partners.

3. In opposing Plaintiff's Motion for Summary Judgment, Defendant make a series of arguments that are not supported by evidence, are irrelevant, and include misstatements, bold faced lies, or omissions of facts.

4. Defendant's arguments break down into the following: (1) that Kennedy "...does not offer any new evidence for his alleged common law torts or RICO claims against Equifax. and (2) Equifax argues that Executive Order Executive Order 13825 concerning 2018 Amendments to the Manual for Courts-Martial, United States (March 1, 2018) effective January 1, 2019<sup>5</sup> do not have bearing on this case.

5. Each of these arguments is flawed and/or simply false.

6. Defendants have presented no evidence in opposition to Plaintiff's Motion for Summary Judgment to establish a genuine issue of material fact that would undermine Plaintiff's Motion of Summary Judgment against defendant Equifax, Inc.

7. Statements made by Equifax CEO Richard Smith concerning financial statements to the Securities and Exchange Commission Commission is self-authenticating evidence under FRE rule 902<sup>6</sup> and prima facie evidence of financial fraud in support of RICO violations.

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<https://www.federalregister.gov/documents/2018/03/08/2018-04860/2018-amendments-to-the-manual-for-courts-martial-united-states>

<sup>6</sup> How does this court of record know whether or not defendant Equifax, Inc. and its retired CEO Richard Smith purposely engages in human rights abuse and corruption around the world including human sex trafficking, money laundering, treason and/or sedition when defendant Equifax, Inc. fails to use GAAP (generally accepted accounting principles), and instead admits in its press releases it uses metrics not supported by GAAP.

8. Nothing raised by Defendants shows that there is a genuine issue of material fact concerning statements made by Equifax CEO Smith on the public record for the past 10 years of more concerning the financial statements and balance sheets of defendant Equifax, Inc., financial fraud evidence of a criminal enterprise under US law.

#### Conclusion

9. Defendants have not shown any genuine issue of lack of material facts.

10. In support of his motion, plaintiff notices this court of record the evidence and Executive Orders cited herein, and the Law of the Case, Exhibit 1, and wishes Summary Judgment as follows:

- a. for aggregate \$1,500,000 triple damages for all claims under RICO law.<sup>7</sup>
- b. for intentional infliction of emotional distress, \$500,000.
- c. for loss of privacy rights, \$500,000.

11. Therefore, the Court of record should grant Plaintiff's Motion for Summary Judgment and enter the proposed order.

Date: January 15, 2019.

Respectfully submitted,  
*/s/ Edward T. Kennedy* (seal)

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<sup>7</sup> Genty v. Resolution Trust Corp., 937 F.2d 899 (3d Cir. 1991)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice was served on the Clerk of this court by ECF on January 15, 2019, to the following parties:

Joshua Upin  
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and By US regular Mail to:  
Mark A. Milley, General  
Chairman of the Joint Chiefs of Staff  
9999 Joint Staff Pentagon  
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*/s/ Edward T. Kennedy (seal)*

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Edward T. Kennedy

Date: January 15, 2019.